

Questions and Answers About the Allagash Management Plan Revisions

Why are changes being made to the Allagash Wilderness Waterway Management Plan?

About four years ago, on February 22, 2002, the Maine Department of Conservation signed a Memorandum of Agreement (referred to as the *MOA*) with the National Park Service regarding the management of the Allagash Wilderness Waterway. This agreement was entered into as a condition for receiving a permit from the Army Corps of Engineers to reconstruct Churchill Dam on the Allagash. As a requirement of that agreement, the Department agreed to review the Allagash Wilderness Waterway Management Plan (adopted in January, 1999) for the following purposes (quoting from the MOA below):

1. Develop recommendations for additions to the 1999 Management Plan on how the federal Wild and Scenic Rivers Act and federal guidelines on Wild and Scenic Rivers Act rivers should be interpreted and applied to the Allagash Wilderness Waterway, specifically dams, bridges, and buildings and the type of and number of access points, with the understanding that a number of vehicle access points will remain and that access in some areas of the waterway will be less than 500 feet.
2. Make recommendations to incorporate the intent of the federal “wild” river designation into the 1999 Management Plan.
3. Consider the use of the Allagash Wilderness Waterway by Maine citizens when examining the relationship between the state Allagash statute and the WSRA.

The Allagash was designated in 1970 as the first state-managed “wild” river under the federal Wild and Scenic Rivers Act. The 2002 MOA specifically required the Bureau to review its management plan and to modify it, discussing how this federal law fits into the management scheme for the River, particularly with respect to vehicle access points, dams, buildings, and buildings.

The Allagash Advisory Council worked very hard in the months following the signing of the MOA to resolve the most controversial issue affecting the Waterway: vehicle access points. In a series of meetings, including two retreats at Bigelow Preserve, the Advisory Council hammered out a number of conditional agreements, but a final resolution regarding access points on the northerly part of the River, and at John’s Bridge, eluded them. In May of 2003, DOC Commissioner McGowan called together a group of individuals from all over the State, some of them from the Advisory Council, others with different backgrounds, but together representing all stakeholders on the Allagash. This group met at the River Drivers Restaurant in Millinocket to try to resolve, once and for all, the vehicle access issues. After two days of intense negotiations, the group arrived at a historic agreement, dubbed “The River Drivers Agreement” (sometimes referred to as the RDA). The RDA participants, building on the previous work of the Advisory Council, were able to round out a comprehensive agreement regarding vehicle access at all points of the River, including the most controversial site at John’s Bridge.

Vehicle access sites were regarded as the most controversial issues involving the Allagash, but the MOA also required the Bureau to address how dams, buildings, and bridges would be dealt with in the Management Plan, and also how the Wild and Scenic Rivers Act fit in with the general management of the River.

In January of 2004, the Bureau started drafting management plan changes that addressed all of these other issues, and incorporated the agreements reached in the RDA. The Bureau tried to be focused in this effort, resisting suggestions to update or revise other parts of the plan “while we are at it,” because of the unavoidably controversial nature of the management planning process. The revisions now being circulated have been carefully reviewed in detail by the Allagash Wilderness Waterway Advisory Council at meetings in 2004 and 2005, and have been the focus of public comment meetings held in Portland, Augusta, Bangor, Presque Isle, and Fort Kent.

Who Drafted The Revisions?

The initial draft of the Management Plan was prepared under the direct supervision of the Bureau Director. The Director worked closely with a consultant hired by the Bureau for this purpose. Other Bureau staff also contributed to the initial draft. No outside interest groups had any input into the drafting process before the initial release of the draft in the Spring of 2004.

Do the Proposed Changes Alter Access For Snowmobiles?

No. The 1999 Management Plan specifically addresses snowmobile access at several places throughout the plan. None of the language specifying snowmobile access in the Waterway has been changed. Some have maintained that small changes in language in the Plan Preface, making general reference to snowmobiling within a general listing of traditional uses on the Allagash, signals an intention to restrict access for snowmobiles. The specific language referred to is at the top of page 5 of the proposed revisions, where the old language read “However, the Allagash statute allows uses which are not usually found in “wilderness” areas: . . .and snowmobiling is allowed on designated trails and areas by rule.” It has been changed to read “Within the Waterway opportunities are provided primarily for traditional recreational activities in predominantly natural settings including but not limited to . . . snowmobiling in designated areas . . .” This change is the only change in the Plan addressing snowmobiling, and it doesn’t even address snowmobiling directly: it’s in the preface to the Plan, and it’s within a general listing of all traditional uses allowed on the Waterway. There is no intention here to alter snowmobiling access to the Waterway, nor can such an intention reasonably be inferred from this language.

Does the Proposed Plan Change Allowed Uses of Outboard Motors on the Allagash?

No. Allowed uses of outboard motors are specified in the Maine statute that created the Allagash Wilderness Waterway. The only way that the allowed use of outboard motors can change is if the Legislature passes a law specifically making a change. The Plan could not do this, nor does it suggest, anywhere, that such a change should be made. Some have maintained that small changes in language in the Plan Preface, making general reference to outboard motors within a general listing of traditional uses on the Allagash, signals an intention to restrict use of outboards. The specific language referred to is at the bottom of page 4 of the proposed revisions, where the old language made reference to the allowed use of motors of up to 10 horsepower on the River. It has been changed to refer to the allowed use of “small motors.” This change is the only change in the Plan addressing outboard motors, and it doesn’t even address outboard motors directly: it’s in the preface to the Plan, and it’s within a general listing of all traditional uses allowed on the Waterway, in the same sentence as the reference to all other traditional uses allowed on the Waterway. There is no intention here to alter outboard motor use on the Waterway, nor can such an intention reasonably be inferred from this language.

Do the Changes Alter Vehicular Access on the Allagash?

Yes. The specific agreements arrived at in the River Drivers Agreement in May, 2003, are incorporated in to the Management Plan as part of the proposed changes. No additional changes in vehicle access are proposed.

Do the Management Plan/RDA changes bar vehicle access at Henderson Bridge?

No. Drive-to access to the River will continue at Henderson Bridge. The site, however, will be relocated from the existing gravel beach on the River to a site immediately nearby, at “the Bogan.” The Bogan access site is designed to be invisible from the River. Water depths are suitable for canoe launching at this site at all times of the season. Vehicles will be allowed to back down to the water’s edge at this site.

Do the Management Plan/RDA Changes Alter Access At Umsaskis?

Yes. In the River Driver’s Agreement, it was agreed that no access would be allowed on the east side of the bridge. On the west side, the road to the access site will be relocated to the existing parking lot behind the ranger’s cabin, and an ADA accessible trail (400’ – 500’) is to be constructed, with use of canoe dollies allowed. The precise location of the trail, and how ADA access is to be accomplished, has not been resolved. The Management Plan revisions do not change the RDA agreement in any way. The language of the RDA was incorporated into the proposed Plan, and it is expected that the successful implementation of this change will require further discussion.

Do the Management Plan/RDA Changes Alter Vehicle Access at Any Other Sites?

Yes. As part of the RDA, vehicle access at Cunliffe was closed, but vehicle access is preserved at another site in the immediate vicinity: Ramsey Ledges. Vehicle access to the water's edge also is preserved at Michaud Farm, Chamberlain Bridge Thoroughfare, Churchill Dam, and Henderson Brook Bridge. Access at Bissonette remains unchanged.